

Message Text

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ORIGIN EB-11

INFO OCT-01 ARA-11 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00

DODE-00 INR-10 NSAE-00 RSC-01 FAA-00 L-03 /071 R

DRAFTED BY EB/ AN: RCPARR: LLL

6/15/73 EXT. 22191

APPROVED BY EB/ AN: MHSTYLES

ARA/ CAR - MR. BURKE

CAB - MR. LITTON

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TO AMCONSUL NASSAU

INFO AMEMBASSY LONDON

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E. O. 11652: N/ A

TAGS: ETRN, BF

SUBJECT: CIVAIR - OUT ISLAND CAB PERMIT

1. OUT ISLAND AIRWAYS LIMITED (OIA) ON JUNE 5 FILED
WITH CAB APPLICATION FOR PERMISSION TO USE NAME " BAHAMASAIR"
(COPY BEING POUCHED.)

2. SUBSEQUENTLY, ACCORDING APPLICATION, OIA ALSO KNOWN AS
" BAHAMASAIR" PLANS TO SELL ASSETS, AND TRANSFER LICENSES
AND PERMITS, INCLUDING FOREIGN AIR CARRIER PERMIT, TO NEW
HOLDING COMPANY WHICH HAS GOVERNMENT PARTICIPATION.
" BAHAMASAIR" WOULD THEN OPERATE AS BAHAMIAN NATIONAL FLAG
AIRLINE WITH SUCCESSION RIGHTS UNDER US- UK AGREEMENT TO
OPERATE TO MIAMI, FORT LAUDERDALE, TAMPA, AND PALM BEACH.

3. INTERESTED PARTIES HAVE UNTIL JUNE 20 TO INTERVENE IN
CASE.

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4. WE UNDERSTAND FROM CAB STAFF THAT PETITION FOR USE OF NAME " BAHAMASAIR" COULD BE PROCESSED AS ISOLATED ISSUE NOT REQUIRING PUBLIC HEARING, PROVIDED OBJECTIONS NOT ENTERED BY INTERESTED PARTIES. HOWEVER, PROPOSAL TO TRANSFER NAME " BAHAMASAIR", FOREIGN AIR CARRIER PERMIT, AND OIA ASSETS TO NEW COMPANY POSES NEW ISSUE. ALTHOUGH IT

IS NOT CERTAIN THAT NEW COMPANY WOULD ULTIMATELY BE REQUIRED TO FILE WITH BOARD APPLICATION FOR NEW FOREIGN AIR CARRIER PERMIT, ATTEMPT TO TRANSFER NAME AND PERMIT FROM OIA TO NEW NATIONAL FLAG AIRLINE WILL NECESSITATE SOME TYPE OF PROCEEDING BY BOARD ON BASIS NEW OWNERSHIP. AS NOTED IN STATE 98073, PERMIT PROCEEDINGS NORMALLY REQUIRE ABOUT SIX MONTHS, PROVIDED CASE NOT COMPLICATED BY PROBLEMS OF OWNERSHIP, NATIONALITY, OR OTHER FACTORS. PRACTICAL SIGNIFICANCE OF THIS IS THAT THERE COULD BE HIATUS IN BAHAMASAIR OPERATIONS TO US SUBSEQUENT TO TRANSFER OF AIR ASSETS TO NATIONAL FLAG AIRLINE AND PRIOR TO TIME NEW CORPORATION OBTAINS FROM CAB AUTHORIT TO MOUNT OPERATIONS TO U. S. POINTS.

5. CONGEN SHOULD APPRISE GOBI OF FOREGOING, AND SUGGEST THAT OIA AND NEW HOLDING COMPANY LAWYERS DISCUSS WITH CAB LEGAL TECHNICALITIES INHERENT IN PROPOSED PERMIT TRANSFER. ROGERS

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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Disposition Approved on Date:
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Disposition Date: 28 MAY 2004
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